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été vérifiées et contrôlées," still the student always feels more confidence in a work which contains references for all important statements. It seems as if the necessary references could have been made without yielding, as M. Marie seems to think inevitable, to any "goût d'une érudition parfois assez encombrante."

In the very beginning of the work, a peculiar classification of the law is adopted, which certainly has its merits, as clearly distinguishing a branch of law which has not always been sufficiently differentiated. I refer to that part of constitutional law which American writers have designated the bill of rights, *i.e.* those fundamental principles which guarantee to the individual a sphere of liberty upon which the government may not encroach. This branch of the law it has been the peculiar province of American political science to develop. In France, however, it cannot be said to exist, at least so as to bind all the branches of the government. The legal rules determining such sphere have not been put into the present French constitution, but are to be found in the ordinary law of the land, which is passed and amended and repealed by the legislature. It is rather remarkable, therefore, that a Frenchman should take special pains to assign to such rules a distinctive character. It is a sign of the adoption in France of what we in the United States have been working out with so much pains during this century. But while we can commend this attempt to distinguish a separate division of the law, we must protest against the name which the author has adopted to designate it. He calls it *droit public proprement dit*. But this term is already appropriated by science to designate what the Germans name *Verfassungsrecht*, *i.e.* the law organizing the great public powers and authorities in the government and determining their relations one to another.

Taking M. Marie's book for what it claims to be, an elementary treatise on the French administration prepared mainly for the use of students, it may be said without hesitation that the work is well done and that the principles laid down in it are clearly and concisely formulated.

F. J. G.

A Treatise on the Law of Public Offices and Officers. By FLOYD R. MECHEM. Chicago, Callaghan and Company, 1890.—cxvii, 751 pp.

The probable reason why no book has ever been written in the English language upon the law of officers is that officers have never occupied so important a place in either England or the United States as upon the continent. The English idea of an officer has always been that he was simply a private citizen, who for the time being was aiding in the

management of public affairs, and to whom the legal rules governing the relations of ordinary agents might be applied. The officer was regarded as simply the agent of the government. At the same time, however, the gradual growth of the functions of government has brought into being a class of almost professional officers, quite unknown to the early English law, and has so largely increased the sphere of action of all officers that the decisions of the courts in regard to the relations of persons holding official position have become very numerous. In these decisions the courts have gradually departed from the original idea that the officer is simply a private person who happens to be discharging public functions and to whom the ordinary rules of private law might be applied. But up to the present time the officers have not become such important members of society as to have made necessary the incorporation into the statute law of the various legal rules which govern their relations. On this account the book under consideration is a very welcome addition to the literature of the official relation.

The original conception of an officer in the English law has, however, strongly influenced the author of this work. The subject is treated almost altogether from the standpoint of the private lawyer, or at any rate from that of the practising lawyer. No attempt is made at such a classification of officers as would be of value to the student of political science and administration. The book will not give the reader a good idea of the official system, because in many instances the statutes which regulate the details of the official relation are hardly touched upon. At the same time, however, Mr. Mechem has done a great service merely by gathering together in an accessible form the decisions of all the courts of this country relative to the official relation. The "Table of cases cited" informs us that reference is made to no less than 6232 cases. These cases are, moreover, quite scientifically arranged.

Mr. Mechem starts out by showing, or at least by trying to show, what are public offices and who are public officers. He does this, however, more by a method of enumeration than by the formulation of any general principle. In the way so dear to the hearts of English and American law-book writers, he begins with the letter A (in this case with the Assessor) and ends with the letter W (Watchmen of public buildings) and informs his readers what the courts have decided as to the official or non-official character of all persons connected with the government whose titles begin with any of the intervening letters. It must be said that such a method, though probably of use to the practising lawyer for purposes of reference, does not throw much new light upon the vexed question, what is a public office. The reader rises from the consideration of this list of positions with a somewhat confused

feeling that the question is a very difficult one to decide and, we may add, with a strong conviction that the writer of this book, at any rate, has not decided it. Still one can hardly blame Mr. Mechem for not having added anything to the science of this subject. The question, what is an office, is one which cannot be answered from pure theory, but requires for its determination a careful consideration of the judicial decisions. These, however, are very conflicting and show a marked tendency to include under the term officer almost every person, whatever be his station, who is permanently connected with the government.

The other questions which Mr. Mechem treats are those of eligibility and the method of filling offices; the authority, duties and liabilities of officers; the judicial control which is exercised over them; and the methods of terminating the official relation. Some of these matters are treated with a commendable fulness, especially those which are of particular interest to the practising lawyer. This characteristic is only natural, since the book is written for the profession rather than for the student. Some matters of immense importance are passed over with little more than a bare mention. Such for example is the case with the subject of impeachment. But still, even admitting that the work has been written mainly with the idea of lessening the labors of the profession, it will be of great value to the student; for the tedious work of collecting the cases on this most important subject of administration is now done.

F. J. G.

Wörterbuch des Deutschen Verwaltungsrechts. In Verbindung mit vielen Gelehrten und höheren Beamten, herausgegeben von Karl von Stengel. Vol. I. Freiburg, i. B., J. C. B. Mohr (Paul Siebeck), 1890. — viii, 895 pp.

This dictionary (or cyclopædia, as we should call it) of German administrative law is one of the things which students of German administration have long felt the need of. While the French law has been treated most fully in the various dictionaries, such as Block's and Béquet's, the German law has, up to the appearance of this work, been treated only in the various commentaries, which, however excellent in their way, have never offered the student such a wealth of material as a dictionary of this kind will of necessity contain. The first volume begins with *Abgaben* and ends with *Kunstschulen*; thus containing all that will be said on the general subject of local government. The editor, Professor von Stengel, is already well known to students of German administration through his most excellent work on the organization of the Prussian administration and his more general work on German administrative law. As professor of law at the university of Breslau, most of his work